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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,787	04/10/2001	Fumiko Uchino	325772023800	9241

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EXAMINER	
AGGARWAL, YOGESH K	
ART UNIT	**PAPER NUMBER**
2615	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,787	UCHINO ET AL.	
	Examiner	Art Unit	
	Yogesh K. Aggarwal	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 3-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/15/2005 has been entered.

Response to Arguments

2. Applicant's arguments filed 08/15/2005 have been fully considered but they are not persuasive.

Examiner's response:

3. Applicant argues with regards to claims 1, 5 and 6 that in Takahashi, the image frame is divided into a plurality of areas, and the system control circuit applies weighting processes to the integrated values on these areas, with the weighting coefficients predetermined corresponding to the photo-taking mode selected. An exposure control is effected, such as the control of the iris, shutter speed and gain, based on the sum of the weighted integrated values of the areas (see, col. 8, lines. 7-35). In the instant application, on the other hand, the parameters are determined (i.e., exposure control is effected) according to a selected method of metering, an image is captured under the determined exposure parameters, and a captured image is corrected on the basis of information used for determining the exposure parameters. For example, claim 1 requires a corrector for correcting said image captured under the exposure parameters determined by said exposure determining element through a correcting process and the corrector corrects at least one

of the specific areas of the image through the correcting process set based upon the determined exposure parameters of the specific areas. The Examiner respectfully disagrees.

4. Takahashi teaches providing a photo-taking control method, called "program modes", which estimates certain representative photo-taking situations and enables the photo-taking operation in each of such situations, with automatic adjustments to the optimum conditions for such situation. Takahashi also teaches that these program modes can be arbitrarily selected by key operations on the operation unit 20. Takahashi further teaches that in order to constantly achieve satisfactory photo-taking operation in various locations and under various situations, there have to be prepared plural exposure control modes which allow to provide a representative setting corresponding to the photo-taking situation and to optimize the conditions under such setting (col. 9 lines 1-14). Takahashi further teaches that the switching of the program mode by the operation unit 20, the setting of the aforementioned light metering area in the image frame is simultaneously switched in linkage i.e. for example, in the indoor mode shown in FIG. 9 or in the sports mode shown in FIG. 10, the center weighted light metering shown in FIG. 7 is employed since the object such as a person is usually positioned at the center of the image frame. Also when the photo-taking mode is switched to the landscape mode shown in FIG. 11, the light metering area is simultaneously switched to the one for landscape taking shown in FIG. 8 (col. 10 lines 58-col. 11 line 2). Therefore Takahashi teaches determining the parameters according to a selected method of metering, an image is captured under the determined exposure parameters, and a captured image is corrected on the basis of information used for determining the exposure parameters as claimed.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1 and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Takahashi et al. (US Patent # 6,630,960).

[Claim 1]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (3) for capturing an image of a subject; an exposure determining element (figure 3, system control circuit 25) for determining exposure parameters in image capturing (col. 8 lines 11-23), a selector (figure 3, photo-taking mode selector 20) for selecting a type of metering process (figure 7 shows "center weighted light metering" wherein the priority is given to a central area and a landscaping mode wherein the priority is given to lower areas as shown in figure 8) from among a plurality of metering processes (center weighted or landscape mode) for determining said exposure parameters (col. 8 lines 6-54) and a control unit (25) for correcting said image captured under the exposure parameters determined by said exposure determining element through a correcting process through a correcting process (col. 7 line 66-col. 8 line 24, also see col. 9 lines 1-14, col. 10 lines 53-col. 11 line 3 and explanation above), wherein the image is divided into a plurality of specific areas (24 areas for center weighted and 1-6 areas for landscape mode), the selected metering processes determines the exposure parameters in at least one of the specific

areas; and the corrector individually corrects at least one of the specific areas of the image through the correcting process set based upon the determined exposure parameters of the specific areas (col. 7 line 50-col. 8 line 60).

[Claim 3]

Takahashi et al. teaches a control unit (figure 3, element 25) corrects exposure based upon different modes selected by the unit 20 which further correspond to different metering processing as illustrated in figures 7 and 8 (col. 8 lines 24-45).

[Claim 4]

Takahashi et al. teaches a control unit 25 determines a relation between luminance (brightness) in the image and said subject on the basis of a result of different phototaking modes and based on the relation corrects the exposure (col. 18 lines 31-61).

[Claim 5]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (figure 3, element 3) for capturing an image of a subject; an exposure determining element (figure 3, element 25) for determining exposure parameters in image capturing, a meter (figure 3, element 25) for performing metering process in determination of said exposure parameters in which brightness in a specific area is weighted within an image capturing range (col. 5 lines 52-67, figure 4) and a corrector (figure 3, element 25) for correcting said image captured under the exposure parameters determined by said exposure determining element (col. 7 line 66-col. 8 line 24, also see col. 9 lines 1-14, col. 10 lines 53-col. 11 line 3 and explanation above) on the basis of values of pixels corresponding to said specific area (col. 6 lines 1-22). Takahashi further

teaches a photographing mode having high contrast (col. 37 lines 11-14), which would inherently involve the control unit to optimize an image based on contrast.

[Claim 6]

Takahashi et al. teaches a digital camera (figure 3) comprising an image pickup device (3) for capturing an image of a subject; an exposure determining element (25) for determining exposure parameters in image capturing, a meter (25) for performing metering process in determination of said exposure parameters, including brightness in which a plurality of areas in an image capturing range are metered (col. 7 line 50-col. 8 line 23, luminance is same as brightness), a divider (25) for dividing said image on the basis of positions of said plurality of areas (col. 8 lines 7-11) and a corrector (25) for individually correcting each of said plurality of divided areas captured under the exposure parameters determined by said exposure determining element through a correcting process through a correcting process (col. 7 line 66-col. 8 line 24, also see col. 9 lines 1-14, col. 10 lines 53-col. 11 line 3 and explanation above) individually according to a distribution of brightness in the image capturing range, as determined by the metering process (col. 8 lines 11-55).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

7. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA
October 21, 2005

DAVID L. OMETZ
SUPERVISORY PATENT
EXAMINER